

14-03-2023
Subha
Item no.33
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 1052 of 2021

Gouri Sankar Singha Roy.

-versus-

The State of West Bengal

Mr. Anjan Bhattacharyya

Ms. Anita Shaw

Ms. Taniya Khatun

....for the petitioner.

Mr. Arijit Ganguly,

Mr. Kaushik Kundu

....for the State.

The revisional application was preferred challenging the proceedings relating to Tarakeswar P. S. Case No. 109 of 2017 dated 14.05.2017 corresponding to G. R. Case No. 667 of 2017 under Sections 420/406 of the Indian Penal Code.

Learned advocate appearing on behalf the petitioner submits that the nature of the documents complained of which has been forged and on the basis of which the petitioner is alleged to have received a higher scale of pay was never engineered at the instance of the petitioner and the petitioner could not have any access to the same.

According to the learned advocate, the present case was initiated out of mala fide by the headmaster of the school and the same was immediately after the retirement of the petitioner. No issues were raised during the tenure the petitioner when he was in service. As such, the present case is based on one of the parameters settled by the Hon'ble Supreme Court for wrecking vengeance because of private and personal grudge.

Mr. Ganguly, learned advocate appearing for the State produces

the case diary and submits that the chargesheet has been submitted before the jurisdictional court.

Learned advocate draws the attention of this court to the statement of the DI of schools in respect of the signature in the document which was the foundation of the case for remitting high scale of pay to the present petitioner.

I have perused the statement along with the other documents and on an assessment of the materials appearing in the record, I am of the opinion that this is not a fit case where the factual appreciation is called for.

The issues so canvassed are required to be gone into by the learned trial court at the appropriate stage of the proceedings.

Record also reflects that warrant of arrest has been issued against the petitioner. In view of the pendency of the present revisional application before this court which was diligently pursued by the learned advocate representing the petitioner, I direct the learned trial court that in case the petitioner surrenders by 30th March, 2023, he may be allowed to continue on the same bail and bond. The warrant of arrest may be recalled thereafter.

With the aforesaid observations, the revisional application being CRR 1052 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

